

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Final**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** Hawley Products, Inc.  
**Mailing Address:** 1567 N. 8th Street, Paducah, Kentucky 42001

**Source Name:** Hawley Products, Inc.  
**Mailing Address:** same as above

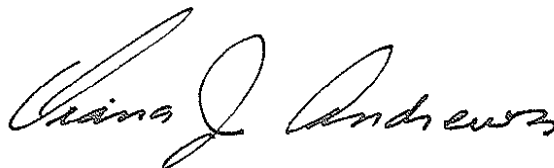
**Source Location:** same as above

**Permit Number:** V-05-073  
**Source A. I. #:** 3045  
**Activity #:** APE20040002  
**Review Type:** Title V Renewal  
**Source ID #:** 21-145-00081

**Regional Office:** Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003  
(270) 898- 8468

**County:** McCracken

**Application**  
**Complete Date:** April 27, 2004  
**Issuance Date:** September 11, 2006  
**Revision Date:** N/A  
**Expiration Date:** September 11, 2011



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**John S. Lyons, Director  
Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

### Emission Point Description:

Emission Point	Description	Capacity	Construction Commenced	Control Device
01 (02)	Cone Treatment Oven*, including conveyor and dip tanks to treat cones prior to placement into this oven	667 paper cone pieces per hour	1984	None
02 (04)	Wetlook Spray Booth	0.5 gallons coating per hour	1984	None
03 (08)	Cloth Treatment Oven*	400 yards cloth per hour	1984	None

\* Cone treatment oven and cloth treatment oven receive process heat from the process heat boiler, identified as EP05.

### APPLICABLE REGULATIONS:

401 KAR 59:010 *New Process Operations* commenced on or after July 2, 1975 applies to particulate matter (PM/PM<sub>10</sub>) emissions and visible emissions from the Cone Treatment Oven (EP01) and Wetlook Spray Booth (EP03).

### NON-APPLICABLE REQUIREMENTS:

401 KAR 63:005, incorporating by reference the provisions of 40 CFR Part 63 for major sources of hazardous air pollutants (HAPs), including 40 CFR 63, Subpart OOOO (*National Emission Standards for Hazardous Air Pollutants (NESHAP) for Printing, Coating, and Dyeing of Fabrics and Other Textiles*).

#### 1. Operating Limitations:

The permittee shall restrict the usage rate of raw materials at the specified emission units such that the emission limits for single HAP and combined HAPs specified in **Section D** of this permit are not equaled or exceeded. [Preclude applicability of 40 CFR 63, Subpart OOOO]

#### *Compliance Demonstration Method:*

See Specific Monitoring Requirements 4.b below and **Section D.3, Compliance Demonstration Method**.

#### 2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, New Process Operations, Section 3(2): PM emissions shall not exceed 2.34 lbs/hr from the dip tanks used at the cone treatment oven or the wetlook spray booth.
- b. Opacity Limit pursuant to 401 KAR 59:010, Section 3(1)(a): Visible emissions from each of the affected units, identified as EP01 and EP02, shall not equal or exceed 20% opacity on a 6-minute average basis.
- c. See **Section D.3, Source Emission Limitations** for HAP emission limitations.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)*****Compliance Demonstration Method:***

- a. The affected units are in compliance with the PM emission limit because the calculated uncontrolled emission rates are less than the allowable emission rate.
- b. For compliance with the opacity limit, refer to **4. Specific Monitoring Requirements** and **5. Specific Record Keeping Requirements**.
- c. See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

**3. Testing Requirements:**

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

**4. Specific Monitoring Requirements:**

- a. The permittee shall perform weekly visual emissions observations from the cone treatment oven and wetlook spray booth exhaust stacks and keep records in accordance with **Specific Record Keeping Requirements 5.a.**
- b. See **Specific Record Keeping Requirements 5.c.** below.

**5. Specific Record Keeping Requirements:**

- a. A weekly log of the following information shall be kept for the cone treatment oven and wetlook spray booth:  
Whether any air emissions (except for water vapor) were visible.  
  
If visible emissions are observed, the permittee shall perform EPA Reference Method 9 test.
- b. The permittee shall keep records of the maintenance activities performed on each emission unit.
- c. The permittee shall maintain weekly usage records of raw materials applied at the listed affected equipment. Such records shall include the weight percentages of all individual HAPs contained in the raw material, and the material safety data sheet (MSDS) for that material. The permittee shall also maintain necessary records to verify the type and amount of material used, including purchase orders, invoices and documentation of any material shipped off-site for reclaim. See **Section F.2** for further requirements.

**6. Specific Reporting Requirements:**

- a. Summary reports of any EPA Reference Method 9 tests and weekly visual inspections shall be submitted to the Division. Refer to **Section F.5**.
- b. See **Section D.5** for further requirements.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**9. Compliance Schedule:**

None

**10. Compliance Certification Requirements:**

Refer to Section F, Condition 9.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	EP04 (10) - 1.680 mmBTU/hr Natural Gas Boiler (Space Heat) Iron Freeman 35-5-200 Date installed - 1990	401 KAR 59:015
2.	EP05 (12) - 1.512 mmBTU/hr Natural Gas Boiler (Process Heat) Peerless 211-10 Date installed - 1990	401 KAR 59:015
3.	EP06 – One (1) 8,000 Gallon Methanol Storage Tank	None
4.	EP07 – One (1) 8,000 Gallon Acetone Blend Storage Tank	None
5.	EP08 (17) – Four (4) Direct Fired Natural Gas Cone Dryers, 0.24 mmBTU/hr Combined Rated Capacity	None
6.	EP09 (19) – Three (3) Direct Fired Natural Gas Cone Dryers, 0.3 mmBTU/hr Combined Rated Capacity	None
7.	EP10 - Electric Oven	401 KAR 59:010

## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. PM, and HAP emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
  - a. The permittee shall not exceed the following source emission limitations during any twelve (12) consecutive month basis:
    - (1) Emissions of any single hazardous air pollutants (HAP) shall not equal or exceed 10 tons per 12 consecutive month basis; and
    - (2) Emissions of combined hazardous air pollutant (HAPs) shall not equal or exceed 25 tons per 12 consecutive month basis.
  - b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

### ***Compliance Demonstration Method:***

- a. The permittee shall calculate single and combined HAP emissions for each week of the previous 12-month period. The weekly compliance demonstration shall include, at a minimum, the following:
  - (1) The weekly and consecutive 12-month usage and HAP content (weight percent) of each raw material at each emission unit specified in Sections B and C.
  - (2) The weekly individual and combined HAP emission rates shall be determined as follows:

Single HAP emissions and combined HAP emissions, in pounds per week, shall be calculated using a material balance and compared with the limits set in paragraph **3.a.**

Single HAP Emissions; 
$$HAP_j = \sum_{i=1}^p M_i C_i$$

Where;

$HAP_j$  = Individual HAP emission (i.e. methanol, xylene, etc) in a week.

$M_i$  = Mass of raw material used in a week.

$C_i$  = Organic HAP content of raw material,  $i$ , expressed as a weight-fraction, lb/lb.

$p$  = Number of different raw materials applied in a week.



## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

Combined HAP Emissions; 
$$HAP_T = \sum_{j=1}^m HAP_j$$

Where;

$HAP_T$  = Combined HAP emissions in a week.

$HAP_j$  = Individual HAP emission (i.e. methanol, xylene, etc) in a week.

$m$  = Total number of single HAP emissions

- (3) The consecutive twelve month individual and combined HAP emission rates shall be determined as follows:

Single HAP Emissions;

$$(HAP_j)_{12} = (HAP_j)_p + \sum (HAP_j)_{51}$$

Where;

$(HAP_j)_{12}$  = Consecutive twelve month individual HAP emissions (i.e. toluene, xylene, etc)

$(HAP_j)_p$  = Individual HAP emissions (i.e. methanol, xylene, etc) in the most recent week.

$(HAP_j)_{51}$  = Individual HAP emissions (i.e. methanol, xylene, etc) in the previous 51 weeks immediately prior to week 52.

Combined HAP Emissions;

$$(HAP_j)_{12T} = \sum_{j=1}^n (HAP_j)_p + \sum_{j=1}^n (HAP_j)_{51}$$

Where;

$(HAP_j)_{12T}$  = Consecutive twelve month combined HAP emissions (i.e. methanol, xylene, etc)

$(HAP_j)_p$  = Individual HAP emissions (i.e. methanol, xylene, etc) in the most recent week.

$(HAP_j)_{51}$  = Individual HAP emissions (i.e. methanol, xylene, etc) in the previous 51 weeks immediately prior to week 52.

$n$  = Total number of single HAP emissions.

- b. Demonstration of compliance with the source-wide emission limitations in paragraph **3.a.** above, shall also serve as the demonstration of compliance with the air toxic limitation in paragraph **3.b.**, above.

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)**

4. **Source Recordkeeping Requirements:**

Actual HAP emissions shall be determined and recorded on a weekly basis in accordance with **Source Emission Limitations 3, Compliance Demonstration Method**. The permittee shall maintain records onsite such that they are readily accessible. These records shall indicate the raw material usage and related HAP content (weight percent) and the permittee shall provide these records to Division personnel upon request.

5. **Source Reporting Requirements:**

The permittee shall report the single and combined HAP emission to the Division as part of the semi-annual reporting, as required in **Section F.5**.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING  
REQUIREMENTS (CONTINUED)**

Division for Air Quality  
Paducah Regional Office  
4500 Clarks River Road  
Paducah, KY 42003

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

**SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.



**SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - a. Applicable requirements that are included and specifically identified in the permit and
  - b. Non-applicable requirements expressly identified in this permit.
- (b) Permit Expiration and Reapplication Requirements
  1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
  2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].
- (c) Permit Revisions
  1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
  2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.
- (d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

None
- (e) Acid Rain Program Requirements
  1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

**SECTION G - GENERAL PROVISIONS (CONTINUED)****(f) Emergency Provisions**

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

**(g) Risk Management Provisions**

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

**(h) Ozone depleting substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None